

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JANE DOE 1, *et al.*,

Plaintiffs,

v.

BAYLOR UNIVERSITY,

Defendant.

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6:16-CV-173-RP

Consolidated with

6:17-CV-228-RP

6:17-CV-236-RP

ORDER

Before the Court is Defendant Baylor University's ("Baylor") First Motion to Compel responses to Baylor's first, second, and third sets of requests for production ("RFPs"), (Mot., Dkt. 257), and the parties' responsive briefing, (Resp., Dkt. 271; Reply, Dkt. 278).

Baylor seeks to compel Plaintiffs' responses to their first, second, and third RFPs, which were issued on June 16, 2017, October 13, 2017, and November 2, 2017. (*See* 1st RFP, Dkts. 240-11; 2d RFP, Dkt. 257-1; 3d RFP, Dkt. 257-2). Among the requests for production, Baylor seeks certain communications by Plaintiffs with law enforcement, with the United States Department of Education, with other Baylor students, and with other Jane Doe plaintiffs. Baylor also seeks production of evidence regarding Plaintiffs' alleged damages and attorneys' fees. Plaintiffs respond that they have ceased production pending resolution of certain discovery motions still pending before the Court.¹ (Resp., Dkt. 271, at 5). Plaintiffs also state that aside from certain objections, they are working to collect and produce all responsive information. (*See id.* at 9).

Since Baylor filed the instant motion on January 24, 2018, over a year has passed as the Court has worked to resolve other discovery disputes. The Court has reviewed the parties' briefing and determined that in the past year, some of the matters in dispute may now be moot, either

¹ Plaintiffs specifically note Dkts. 250, 256, and 264, and proper discovery procedures in light of FERPA.

because the parties have resolved them together, or because of intervening discovery orders.² In order to ensure the most efficient use of the parties' time and the Court's time, the Court asks the parties to submit amended briefing on the motion to reflect the state of discovery at this time.

In light of the Court's discovery guidance over the past year, the Court encourages the parties to work together to resolve these issues before requesting further assistance from the Court. The parties shall confer in good faith prior to the filing of any amended motion, as required under the federal and local rules. *See* Fed. R. Civ. P. 26(c)(1); W.D. Tex. Loc. R. CV-7(i).

Accordingly, **IT IS ORDERED** that if the parties are able to resolve these issues without further Court intervention, or the motion is already moot, Baylor shall file a short advisory with the Court on or before **March 22, 2019**.

Alternatively, **IT IS ORDERED** that if the parties cannot resolve these issues even after conferring in good faith, Baylor shall file an amended First Motion to Compel responses to Baylor's first, second, and third sets of requests for production, (Dkt. 257), on or before **March 22, 2019**. Plaintiffs may file an amended response on or before March 29, 2019. Baylor is not required to file an amended reply, but may do so on or before April 5, 2019. **IT IS FURTHER ORDERED** that both parties shall attach a proposed order detailing the relief that they now request.

SIGNED on March 8, 2019.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

² For example, the Court has now resolved the pending discovery motions referenced by Plaintiffs, including *in camera* review of student records for FERPA compliance.